

Remarks

This Response is responsive to the Notice of Non-Compliant Response mailed December 30, 2005.

Claims 60, 62, and 86 are withdrawn but are believed allowable if the generic claims from which they depend are found to be allowable. Claims 54-59, 61, 63-65, and 74-85 are pending the application.

The Examiner had previously required restriction under 35 U.S.C. §121 as the Examiner believed the application contained claims directed to distinct inventions and species.

The Examiner had initially requested that Applicant elect one of Invention I being directed to methods of removing organic materials (claims 54-65 and 74-86) and Invention II being directed to the method of making a capacitor (claims 66-73). Applicant elected without traverse Invention I, claims 54-65 and 74-86 directed to methods of removing organic materials.

Upon election of the Invention above, the Examiner had requested that Applicant elect from the groups A and B as follows: A being directed to surface material (A-1, platinum; A-2, Iridium; A-3, ruthenium; A-4, tantalum; A-5, tantalum silicon nitride; A-6, tantalum nitride; A-7, titanium; A-8, ruthenium oxide; A-9, ruthenium silicide; or A-10, combination of the preceding, with combination being specific combination including order of layers); and B being directed to CMP removal steps (B-1, single CMP removal step; or B-2, two CMP removal steps).

Applicant elected without traverse species: A-4 (tantalum) and B-1 (single CMP removal step); directed to claims: 54-65 and 74-86.

In the Notice the Examiner pointed out that claim 86 should not have been elected. Claims 54-59, 61, 63-65, and 74-85 are believed to be generic to the species identified by the Examiner. Claims 60, 62, and 86 are withdrawn but are believed allowable if the generic claims from which they depend are found to be allowable.

The Examiner also believes that since A-4 (tantalum) was elected, claims 61 and 85 do not read on the A-4 species and should not have been elected. However, claim 61 recites a surface comprising a barrier material and claim 85 recites a conductive-material-comprising layer that comprises barrier material, both claims reading on a tantalum material. As such, claims 61 and 85 read on the A-4 species and this rejection is in error and should be withdrawn.

The Examiner further believes that claims 74-86 "are directed to the process of more than one CMP removal step . . . and are certainly not generic." Applicant respectfully disagrees as affirmative steps are not recited in any of the pending claims, therefore the claims can read on single and or multiple step processes including processes utilizing single or multiple step CMP. For at least the reason that steps are not recited in the pending claims this rejection is in error and should be withdrawn.

Applicant requests examination of the pending claims 54-59, 61, 63-65, and 74-85. If the Examiner's next action is anything but a Notice of Allowance, Applicant requests the Examiner call the Applicant at (509) 624-4276 between the hours of 8:00 a.m. and 5:00 p.m. (PST).

Respectfully submitted,

Dated: 1/30/06

By: 

Robert C. Hyta
Reg. No. 46,791